

GW2/ek4 10/13/2015



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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates.

Application 12-04-019  
(Filed April 23, 2012)

**E-MAIL RULING REGARDING THE FILING OF PROPOSED  
SCHEDULES BY OCTOBER 20, 2015**

Dated October 13, 2015, at San Francisco, California.

/s/ BURTON W. MATTSON for  
Gary Weatherford  
Administrative Law Judge

**From:** Mattson, Burton

**Sent:** Tuesday, October 13, 2015 5:26 PM

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**Cc:** ALJ Docket Office; ALJ Process; ALJ\_Support ID

**Subject:** A.12-04-019 Email Ruling Regarding the Filing of Proposed Schedules by October 20, 2015

## **ADMINISTRATIVE LAW JUDGE'S RULING REGARDING THE FILING OF PROPOSED SCHEDULES BY OCTOBER 20, 2015**

This proceeding is currently bifurcated into two phases. Phase 1 addresses all issues relative to the requested granting of a Certificate of Public Convenience and Necessity (CPCN) for the Monterey Peninsula Water Supply Project (MPWSP). Phase 2 addresses all matters related to a potential water purchase agreement between applicant and sellers of water from a Groundwater Replacement (GWR) project.

On October 8, 2015, several parties filed a joint motion to modify the Phase 2 schedule. On October 12, 2015, a prehearing conference (PHC) was held to discuss the Phase 2 schedule, need to update cost estimates, and other scheduling and procedural matters. As explained below, parties are given until October 20, 2015 to file and serve proposed schedules that will complete the Phase 2 record by April to May 2016 (as proposed in the joint motion) along with

completing all (or as much) of the Phase 1 record by the same April to May 2016 timeframe.

## BACKGROUND AND DISCUSSION

The October 8, 2015 joint motion includes a schedule for Phase 2 with evidentiary hearings in April 2016, briefs in April 2016, a proposed decision in June 2016, and a Commission decision in July 2016. That is, the proposed schedule will complete the Phase 2 record and submit the matter in April 2016 for a Commission decision. The Commission is also interested in assessing the feasibility of completing all, or as much as possible, of the Phase 1 evidentiary record by April 2016, with legal briefing by April or May 2016. This was discussed at the PHC. (See Reporter's Transcript at pages 276-304.) With that goal in mind, parties are given until Tuesday, October 20, 2015 to file and serve proposed schedules that will complete the records of Phase 2 and all (or as much as possible) of Phase 1 by April to May 2016.

Much of the evidentiary record is complete. That is, over 10 days of evidentiary hearings were held in April and May 2013. Evidentiary hearing was held on December 2, 2013 on two Settlement Agreements. The Commission is interested in the record including updated cost estimates for the MPWSP and related facilities. Parties at the October 12, 2015 PHC expressed interest in, and willingness to, update demand and supply evidence. More evidence (beyond updated record on costs, demand, supply) may or may not be needed before the evidentiary record can be closed. Pleadings filed October 20, 2015 must identify what evidence, if any, must be updated, and explain why that evidence must be updated. The proposals must also be clear and specific about what additional evidence, if any, is needed (beyond that already in the record from 2013) and would be the subject of potential further evidentiary hearings.

Parties are encouraged to file and serve a joint proposed schedule on October 20, 2015. If unable to file a complete joint proposal, parties are encouraged to file a joint proposal that includes as much as parties can agree to, and file separate pleadings that address limited, remaining differences. The proposals should include a schedule with as much information as reasonably possible, such as dates for: serving updated cost information, serving updated demand and supply information, serving proposed direct testimony, serving proposed response and/or rebuttal testimony, evidentiary hearing, filing opening briefs, filing reply briefs, projected submission date, and filing of briefs

on whether or not the Commission should certify the Final Environmental Impact Report (FEIR). The proposed schedule might include the possibility of parties filing motions to reopen the record, if necessary, after publication of the FEIR.

**IT IS RULED** that parties shall file and serve proposed schedules by October 20, 2015 that address completing the records for both Phase 1 and Phase 2 by the April to May 2016 timeframe. The proposals shall clearly and specifically state schedule dates and what additional evidence, if any, is needed in further evidentiary hearings, and why that additional evidence is necessary.

Docket Office shall formally file this ruling.

Burton W. Mattson for  
Gary Weatherford  
Administrative Law Judge